

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation  
of Certain Real Property to the City of  
Fergus Falls from Buse Township  
(MBAU Docket OA-1022-3)

**ORDER APPROVING  
ANNEXATION**

A joint resolution for orderly annexation (Joint Resolution to Designate) was adopted by the City of Fergus Falls (City) on March 15, 2004, and Buse Township (Township) on March 9, 2004, pursuant to Minn. Stat. § 414.0325, designating certain real property for annexation.

A joint resolution for orderly annexation (Joint Resolution to Annex), adopted by the City on May 25, 2018, and the Township of April 10, 2018, requests annexation of certain real property (Property) legally described as follows:

1. That part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Five (5), and that part of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Four (4), and that part of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Four (4), all in Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the East Quarter Section Corner of said Section 5; Said Point of Beginning, Thence South 88 degrees 01 minutes 30 seconds East (assumed bearing) a distance of 615.98 feet, Thence North 01 degrees 58 seconds 40 seconds East a distance of 373.47 feet, Thence South 88 degrees 00 minutes 28 seconds East a distance of 403.82', Thence North 01 degrees 57 minutes 18 seconds East a distance of 331.11feet, Thence South 88 degrees 02 minutes 42 seconds East a distance of 290.37', Thence South 01 degrees 01 minutes 37 seconds West a distance of 704.67 feet, Thence South 88 degrees 01 minutes 23 seconds East a distance of 653.22 feet, Thence South 00 degrees 13 minutes 42 seconds West a distance of 432.84 feet, Thence North 87 degrees 48 minutes 26 seconds West a distance of 659.69 feet, Thence South 01 degrees 04 minutes 48 seconds West a distance of 430.21 feet, Thence North 88 degrees 36 minutes 23 seconds West a distance of 561.93 feet, Thence North 01 degrees 09 minutes 54 seconds East a distance of 508.05 feet to the Southwest corner of Lot 2 Block 3, of ROGNESS ADDITION, Thence South 88 degrees 02 minutes 52 seconds East a distance of 300.03 feet along the South line of said Lot 2, Thence

North 01 degrees 09 minutes 53 seconds East a distance of 287.55 feet to a point on the South right-of-way on Alcott Avenue and said point being the Northeast corner of Lot 1 Block 3 of ROGNES ADDITION, Thence South 88 degrees 16 minutes 28 seconds West a distance of 283.87 feet to a point on the North line of said Lot 1 Block 3, Thence Southwesterly along a curve with a delta of 93 degrees 00 minutes 18 seconds, a chord bearing of South 45 degrees 57 minutes 00 seconds West a distance of 962.17 feet, a radius of 663.20 feet and a length of 1076.53 feet to a point on the west line of Lot 4, Block 1 of ROGNES ADDITION said point also being the East right-of-way line of Tower Road, Thence South 01 degrees 16 minutes 46 seconds East a distance of 546.93 feet to the Southwest corner of Lot 9 Block 1 of ROGNES ADDITION, Thence North 87 degrees 52 minutes 28 seconds West a distance of 97.40 feet to a point of the West line of Section 4, Thence North 00 degrees 18 minutes 36 seconds West a distance of 230.75 feet, Thence North 89 degrees 37 minutes 18 seconds West a distance of 459.75 feet, Thence South 31 degrees 23 minutes 19 seconds West a distance of 110.16 feet, Thence North 89 degrees 39 minutes 36 seconds West a distance of 214.98 feet, Thence South 00 degrees 19 minutes 01 seconds West a distance of 134.76 feet, Thence South 89 degrees 30 minutes 42 seconds East a distance of 30.00 feet, Thence North 00 degrees 19 minutes 01 seconds East a distance of 299.15 feet, Thence North 89 degrees 40 minutes 26 seconds West a distance of 94.81 feet, Thence North 00 degrees 19 minutes 34 seconds East a distance of 300.00 feet, Thence South 89 degrees 40 minutes 26 seconds East a distance of 300.00 feet. Thence South 00 degrees 19 minutes 34 seconds West a distance of 304.07 feet, Thence South 89 degrees 37 minutes 18 seconds East a distance of 555.67 feet to a point on the West right-of-way line of Toer Road, Thence North 00 degrees 18 minutes 33 seconds West a distance of 1022.56 feet +/- to the Point of Beginning.

**EXCEPT**

That part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Five (5), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Beginning at the East Quarter Section Corner of said Section Five (5); Thence South 00 degrees 44 minutes 00 seconds East (assumed bearing) along the East line of said Section Five (5) a distance of 1088.56 feet to said Point of Beginning; Thence South 89 degrees 57 minutes 14 seconds West a distance of 459.75 feet; Thence South 30 degrees 57 minutes 51 seconds West a distance of 110.16 feet; Thence South 89 degrees 54 minutes 56 seconds West a distance of 214.98 feet; Thence South 00 degrees 06 minutes 27 seconds East a distance of 134.76 feet; Thence North 89 degrees

57 minutes 37 seconds West a distance of 30.00 feet; Thence North 00 degrees 06 minutes 27 seconds West a distance of 299.15 feet; Thence North 89 degrees 54 minutes 06 seconds East a distance of 760.81 feet to a point on the East line of said Section Five (5), Thence South 00 degrees 44 minutes 00 seconds East along said East line a distance of 66.00 feet to the Point of Beginning.

2. The West 308.32 feet of the South 139.75 feet of the North 365.34 feet of Sub Lot Twenty-five (25) of State Sub Division of the South Half (S $\frac{1}{2}$ ) of Section Four (4), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota.
3. All that part of the Southeast Quarter of the Northwest Quarter SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota described as follows:

Commencing at the Northwest corner of said Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), Thence on an assumed bearing of South 89 degrees 55 minutes 45 seconds East along the North line of said Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), a distance of 60.60 feet to the Easterly right-of-way line of State Trunk Highway No. 59, Thence South 00 degrees 32 minutes 20 seconds East along the Easterly right-of-way line, a distance of 100.00 feet to the Point of Beginning of the land to be described, Thence South 89 degree 55 minutes 45 seconds East parallel with said North line of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) a distance of 175.00 feet, Thence South 00 degrees 32 minutes 20 seconds East a distance of 100.00 feet, Thence North 89 degrees 55 minutes 45 seconds West a distance of 175.00 feet to said Easterly right-of-way line, Thence North 00 degrees 32 minutes 20 seconds West along said Easterly right-of-way line, a distance of 100.00 feet to the Point Of Beginning. Containing 0.4 acres more or less.

4. In Section 11, Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Fifth Principle Meridian, all that part of Parcel 1 of Otter Tail County W.A. No. 43 lying East of Highway Right-of-Way, Otter Tail County, Minnesota, EXCEPT the following described tracts:
  - a. That part of the Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 11, Township 132 North, Range 43 West of the Fifth Principle Meridian, Otter Tail County, Minnesota described as follows, to wit: Beginning at the intersection of the North line of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and the East right-of-way line of State Highway 52, now called State Highway No. 59, in Section 11, Township 132 North, Range 43 West, Thence South along East right-of-way line of

State Highway No. 59, for a distance of 100 feet, Thence East parallel with the North boundary line of said SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , 175 feet; Thence North parallel to the East right-of-way line of State Highway No. 59, for a distance of 100 feet to the North line of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Thence West along the North line of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  a distance of 175 feet more or less, to the Point of Beginning and there terminating, located in Otter Tail County, Minnesota.

- b. All that part of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 11, Township 132, Range 43, Otter Tail County, Minnesota, described as follows: Commencing at the Northwest corner of said SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , thence on an assumed bearing of South 89 degrees 55 minutes 45 seconds East along the North line of said SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , a distance of 60.60 feet to the Easterly right-of-way line of State Trunk Highway No. 59, Thence South 00 degrees 32 minutes 20 seconds East along said Easterly right-of-way line, a distance of 100.00 feet to the Point of Beginning of the land to be described, Thence South 89 degrees 55 minutes 45 seconds East parallel with said North line of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  a distance of 175.00 feet, Thence South 00 degrees 32 minutes 20 seconds East a distance of 100.00 feet, Thence North 89 degrees 55 minutes 45 seconds West a distance of 175.00 feet to the Easterly right-of-way line, Thence North 00 degree 32 minutes 20 seconds West along said Easterly right-of-way line, a distance of 100.00 feet to the Point of Beginning.

Based upon a review of the Joint Resolution to Designate and the Joint Resolution to Annex, the Chief Administrative Law Judge makes the following:

### ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2018), the Joint Resolution to Annex is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Joint Resolution to Designate, the Joint Resolution to Annex, and this Order, the Property is **ANNEXED** to the City.
3. Pursuant to the agreement of the parties and as allowed by to Minn. Stat. § 414.036 (2018), the City will reimburse the Township in accordance with the terms of the Joint Resolution to Annex.

Dated: October 2, 2018



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TAMMY L. PUST  
Chief Administrative Law Judge

## **NOTICE**

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2018). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Otter Tail County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2017). However, no request for amendment shall extend the time of appeal from this Order.